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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,229	10/31/2000	Todd S. Bowser	MATP-596US	1290

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EXAMINER	
KOSTAK, VICTOR R	
ART UNIT	PAPER NUMBER
2614	10

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,229

Applicant(s)

BOWSER, TODD S.

Examiner

Victor R. Kostak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 14-16 is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Applicant's arguments with respect to the rejection based on Silva have been considered in view of the arguments, but are moot in view of the new ground(s) of rejection. The examiner regrets prolonging prosecution again.

2. Claims 1, 2, 4-6 and 8 are now rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (of record)

The system of Dedrick (noting particularly Fig. 1) involves transmitting television programming originating from source 16 which can be through cable or satellite (col. 3 lines 18-22), and receiver 82 can extract auxiliary data that was embedded in the TV signal by an advertiser at encoder stage 14. Dedrick also points out that the computer 90 can have a tuner card which enables TV programming viewing on the screen (col. 1 lines 18-22; col. 4 lines 15-17), and that decoder 84, server 86 and computer 90 can all remove the auxiliary data for separate presentation on another device (col. 3 lines 38-41). Since the auxiliary data can be extracted within computer 90, the control processing therefor is internal to it, the computer serving as a receiver. A shared device (printer 94) is coupled to the receiver, there being a connection there between for transfer of the advertisement exclusive of the TV signal, carried out by the internal control processing, thereby meeting claims 1 and 4.

As for claims 5 and 8, the A/V signal communicated is in digital form (being in packet structure), and the auxiliary signal is inherently provided to the shared device (printer 94) in accordance with a communications channel protocol (or else the signal would not be decodable and subsequently usable as a properly formatted and presentable advertisement). Front-end processing involves the tuning stage in the computer for initial reception of the composite A/V

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with auxiliary signal. A communications channel (i.e. the shown connector) couples printer 94 to computer 90.

3. Claims 1, 2, 5, 6 and 9-11 are now rejected under 35 U.S.C. 102(e) as being anticipated by Dinwiddie et al. (of record).

The system of Dinwiddie (noting particularly Fig. 1) includes a receiver 100 having an input to a front-end processor 102 (inherent terminal not shown) for receiving any of television signals 110_1 through 110_n , wherein an auxiliary signal 116 (temporal info) is included with the A/V signal. Processor 102 inherently includes internal control processing in order to be able to separately output the auxiliary temporal data to controller stage 130. Clock 140 is a shared device coupled to the receiver internally by way of controller 130, wherein a communications channel (connector 148) receives only the auxiliary data for usage by the clock unit 140, thereby meeting claim 1.

As for claims 5, the television signal may be digital (col. 3 lines 25-28), and the communications channel necessarily operates according to a protocol in order to pass along the auxiliary data for usage by the clock unit.

Regarding claim 9, Dinwiddie also includes a remote controller 133 in communication with the receiver by way of I/O port 132, wherein the user applies an initialization signal to prompt processor 102 to disassemble the composite input signal (applicant should note that the output of controller 108 feeds back to processor 102). Processor 102 accordingly provides the components signals including the auxiliary temporal signal in a controlled manner to respective next stages of signal processing. Respective video and audio processors 122 and 124 interface

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with reproducing elements (i.e. screen and speakers) by way of drivers (indicated as outputs of the respective processors). Clock unit (shared device) 140 receives clock data 148 from controller 130 as extracted code data, wherein controller 130 inherently decodes and formats the data in order to make it in usable by clock 140 (noting Figs. 2 and 3), initially prompted by the user in communication with controller 130, (Dinwiddie discusses both default processing and manual processing: col. 6 line 38+), thereby meeting claim 9.

As for claims 2, 6 and 10, receiver 100 can be a set-top box (col. 3 lines 34-35), and the system further includes respective audio and video processors 124 and 122 for eventual presentation on a display component (not shown); wherein front-end processor 102 separates the composite A/V and temporal signal into its components for separate processing and ultimate presentation of the programming on the display unit.

As for claim 11, the shared device is clock 140, discussed above.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwiddie et al. It would have been obvious to one of ordinary skill in the art to incorporate adequate buffering in any stage of the receiver processing, buffering being a very well known concept used in extensive diverse signal processing stages in numerous fields, for the known benefit of smoothing the transfer of data to a next stage, such as within controller 130 (the circuitry components therein not specifically disclosed but inherently carrying out various processes including temporal signal transfer). Dinwiddie in fact arranges a memory 136 between controller 130 and clock 140 that is used for storing the extracted temporal components and subsequently displayed (col. 5 lines 54-58).

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5. Claims 3, 7 and 13 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwiddie et al. in view of (newly cited) Inoue et al.

Inoue discloses digital video recording and gives a general comment on the commonality of recording television signals, previously in analog form and more recently in digital form (col. 1 lines 25-31).

In view of the clear and very well known benefits of recording video signals (i.e. namely the capability of providing the viewer with presentation at his/her convenience, and repeated presentation of the video signal, subsequent to its real time presentation), it would accordingly have been obvious to one of ordinary skill in the art to include recording capabilities (be it in analog or digital form) as taught by Inoue, in the system of Dinwiddie, for the accepted benefits thereof.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wood shows that digital VCRs can be arranged with various diverse A/V devices.

Jones also discloses a set-top box capable of extracting data from the VBI for printing out coupons (Figs. 3-5 and 7).

7. Claims 14-16 now appear allowable over the prior art.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

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Victor R. Kostak
Primary Examiner
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VRK

